IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 31843 of 2006(N)
{O.S.NO.138/2005 OF THE SUB COURT,
NEYYATTINKARA}

PETITIONER:

DR.Y.WILLIAM,
AGED 60, S/O.SANTHOSH YESUVADIAN,
ROSE HOUSE, KOLLAYIL VILLAGE,
DHANUVACHAPURAM P.O.
THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENT:

DR.M.SURESH KUMAR,
AGED 45, S/O.MADHAVAN PILLAI,
PRATHYUSHA, CHOONDUPALAKA JUNCTION,
KATTAKADA P.O., THIRUVANANTHAPURAM.

BY ADVS. SRI.S.V.RAJAN
& SRI.S.ARUN RAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE PLAINT IN O.S.NO.138/2005.

EXT.P2: TRUE COPY OF THE WRITTEN STATEMENT IN THE O.S.NO.138/2005.

EXT.P3: TRUE COPY OF SALE AGREEMENT DATED 7.01.2005.

EXT.P4: TRUE COPY OF ORDER IN I.A.NO.1397/2005 DATED 10.04.2006.

EXT.P5: TRUE COPY OF THE ORDER IN I.A.NO.663/2006 DATED 25.09.2006.

EXT.P6: TRUE COPY OF I.A.NO.665/2006.

EXT.P7: TRUE COPY OF OBJECTION TO I.A.NO.665/2006 DATED 25.08.2006.

EXT.P8: TRUE COPY OF THE ORDER IN I.A.NO.665/2006 DATED 25.09.2006.

EXT.P9: TRUE COPY PAYMENT SLIPS OF THE CATHOLIC SYRIAN BANK IN THE HIGHER PURCHASE ACCOUNT NUMBER LMV 200305.

EXT.P10: TRUE COPY OF IA DTD. 10.11.06.

EXT.P11: TRUE COPY OF I.A.1397/05 IN O.S.138/2005 OF THE SUB COURT, NEYYATTINKARA.

EXT.P12: TRUE COPY OF OBJECTION IN I.A.NO.1397/05 IN O.S.138/2005 OF THE SUB COURT, NEYYATTINKARA.

RESPONDENTS' EXHIBITS: NIL

EXT.R1(A): TRUE COPY OF THE REVIEW PETITION (IANO.663/2006 IN O.S.NO.138/2005 ON THE FILE OF THE SUB COURT, NEYYATTINKARA).

//true copy//

P.S. To Judge

SK/-

PIUS C. KURIAKOSE, J.

W.P.(C) No.31843 of 2006 N

Dated this the 18th day of July, 2007.

JUDGMENT

Heard both sides.

2. Even though the submission of the learned counsel for the respondent, that Ext.P4 is an appealable order and there is no justification for invocation of the supervisory jurisdiction of this court under Article 227 of the Constitution cannot be said to be totally without merit, I am of the view that in view of the subsequent development of the petitioner discharging the liability due to the financing bank completely (as is discernible from the certified copy of the account placed before me by Sri.Suman Chakravarthy), I am of the view that the order of stay presently passed can be directed to be continued till such time the suit itself is disposed of by the learned Subordinate Judge, Neyyattinkara. I am told that the trial of the suit itself is on. Under these circumstances,

the writ petition is disposed of by issuing the following direction:

The order of stay passed in this writ petition will continue till such time the suit is finally disposed of. The learned Subordinate Judge will expedite the trial of O.S.No.138/05 and dispose of the same at his earliest.

Sd/-
(PIUS C. KURIAKOSE)
JUDGE

sk/

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